

**The City of Lee's Summit
Action Letter
Planning Commission**

Tuesday, September 25, 2018

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Call to Order

Roll Call

Present: 6 - Board Member Carla Dial
Board Member Jason Norbury
Board Member Dana Arth
Board Member Don Gustafson
Board Member Donnie Funk
Board Member Jake Loveless

Absent: 3 - Board Member Colene Roberts
Board Member Herman Watson
Board Member Jeff Sims

Approval of Agenda

Chairperson Norbury announced that there were no changes to the agenda, and asked for a motion to approve.

A motion was made by Board Member Funk, seconded by Board Member Dial, that this agenda be approved. The motion carried unanimously.

Public Comments

There were no public comments at the meeting.

1 Approval of Consent Agenda

A [2018-2316](#) Minutes of the September 11, 2018, Planning Commission meeting

A motion was made by Board Member Funk, seconded by Board Member Dial, that the minutes be approved. The motion carried unanimously.

Public Hearings

2 [2018-2324](#) PUBLIC HEARING - Appl. #PL2018-079 - REZONING from AG to RP-4 and PRELIMINARY DEVELOPMENT PLAN - Artisan Point Apartments, approximately 35 acres generally located at the northeast corner of SE Blackwell Rd and SE Blue Pkwy; Case Development, LLC, applicant (continued to a date certain of October 11, 2018, to allow for proper notification)

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Chairperson Norbury opened the hearing at 5:02 p.m. and stated that Application PL2018-079 was requested to be continued to a date certain of October 11, 2018, to allow for proper notification. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2018-079 to a date certain of October 11, 2018. Ms. Dial seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be continued to the Planning Commission, due back on 10/11/2018. The motion carried unanimously.

- 3 [2018-2217](#) CONTINUED PUBLIC HEARING - Appl. #PL2018-098 - REZONING from R-1 and PMIX to PMIX and PRELIMINARY DEVELOPMENT PLAN - Streets of West Pryor, approximately 72 acres located at the northwest corner of NW Pryor Rd and NW Lowenstein Rd; Drake Development, LLC, applicant (continued to a date certain of October 25, 2018, at the applicant's request)

Chairperson Norbury opened the hearing at 5:04 p.m. and stated that Application PL2018-098 was requested to be continued to a date certain of October 25, 2018, at the applicant's request. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2018-098 to a date certain of October 25, 2018. Ms. Dial seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be continued to the Planning Commission, due back on 10/25/2018. The motion carried unanimously.

- 4 [2018-2314](#) PUBLIC HEARING - Appl. #PL2018-136 - PRELIMINARY DEVELOPMENT PLAN - Pergola Park, 5th Plat, approximately 59 acres generally located west and north of Old Longview Lake; Inspired Homes, Inc., applicant (continued to a date certain of October 25, 2018, at the applicant's request)

Chairperson Norbury opened the hearing at 5:05 p.m. and stated that Application PL2018-136 was requested to be continued to a date certain of October 25, 2018, at the applicant's request. He asked for a motion to continue.

Mr. Funk made a motion to continue Application PL2018-136 to a date certain of October 25, 2018. Ms. Dial seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be continued to the Planning Commission, due back on 10/25/2018. The motion carried unanimously.

- 5 [2018-2315](#) PUBLIC HEARING - Appl. #PL2018-137 - PRELIMINARY DEVELOPMENT PLAN - Developing Potential, 227 and 235 NW Executive Way; Developing Potential,

Inc., applicant

Chairperson Norbury opened the hearing at 5:05 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Mark Spurgeon of Williams Spurgeon Kuhl & Freshnock Architects (WSKF), gave his address as 110 Armour Road in North Kansas City (MO). Ms. Rebecca Case, Executive Director of Developing Potential, gave her address as 251 NW Executive Way in Lee's Summit. She stated that Developing Potential was founded in 1993, with its first home on Prospect Avenue in Kansas City. Its goal was to support people ages 18 to 65 with severe medical development disabilities. It grew from 8 to 50 people in a little under 3 years. Later it expanded to Independence, in response to some families in the Independence School District; and to Lee's Summit in 2012.

Their current facility at 251 NW Executive Way, just a few doors down from the proposed new sit, was at capacity, serving about 30 people, with over 70 on the waiting list. The group had a partnership with the DPI Employment Connections program, and provided support services for people in the program seeking jobs. Ms. Case observed that when young people graduated at the age of 21, they tended to lose support services they'd previously had. A service like Developing Potential provided a meaningful day. The center did health and wellness projects, with a nurse and support staff, and activities both on site and out in the community. Of the total of about 150 people served in the Kansas City area, 71 percent lived at home. This was part of a national trend away from institutions to community living. Their campaign in Lee's Summit had raised \$1.2 million toward a \$3.25 million project.

Mr. Spurgeon displayed the site plan, remarking that the building was essentially designed for residential use, and to meet the specific needs of the people in Developing Potential's programs. The building would have wide corridors and a lot of natural light; and had 9 classrooms, one of them multi-purpose. It could accommodate up to 130 new clients. They would still have to do some fundraising, and construction was not expected to start until next year.

The building that Developing Potential was using was two buildings to the north of the subject property. He pointed out the green space in front and the patio in a back corner on the displayed site plan of the new proposed building. The design was intended to maximize green space, which could also serve as screening for parking, as well as the intended use of the site. The L-shaped building had an outdoor patio that would face some gardens and shade structures. Displaying a color elevation of the exterior, Mr. Spurgeon stated that the applicants had wanted a visual residential quality, and noted that the design was similar to that of the Gamber Center. Since most of the clients did not drive, a large drop-off space was in front. Since this was a non-profit, a low-maintenance and energy-efficient building was especially preferable. A displayed view to the northeast showed the parking lot and building; and Mr. Spurgeon pointed out that the upper clerestories extended down into the common restroom area, which also would also include lockers. A view of the other side showed the outdoor patio, parking area, the property line and utility easement.

Following the applicant's presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-14 into the record. She reviewed that the property was on NW Executive Way, south of O'Brien Road, east of US 50 and west of Ward Road. The proposed building would be 19,691 square feet on 2.34 acres. The floor area ratio [FAR] was .19, considerably less than the .55 maximum allowed in PO [Planned Office] zoning. The property was currently platted as two lots. The UDO required 79 parking spaces, which were provided. The properties adjoining on the north and west were also zoned PO, with PO and CP-2 zoning to the south. The adjoining property to the east was zoned R-1, including Westview Elementary School. The applicants proposed a single-story gabled roof structure with fiber cement lap siding, asphalt shingles and a cultured stone base.

The building would be on the far east side of the property. A 30-foot utility easement, with sanitary sewer and stormwater lines, ran through the two lots; and this would make it difficult to locate the building much closer to the street. Staff considered the proposed architecture and materials compatible with the existing commercial and residential buildings nearby. The two lots would have to be replatted as a single lot, which would require a minor plat; which would need to be approved and recorded before issuing any building permits. Additionally, an existing ingress-egress easement currently straddled the existing property line between the two lots, and a vacation of easement would also have to be approved and recorded before issuing building permits. Staff recommended approval of the preliminary development plan, subject to Recommendation Item 1's statement that "the development shall be in accordance with the preliminary development plan date stamped September 4, 2018."

Following Ms. Thompson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he opened the hearing for Commissioners' questions for the applicant or staff.

Chairperson Norbury asked Ms. Case for clarification about the existing building's location. She answered that it was at the corner of Executive Way and O'Brien.

Mr. Gustafson asked Ms. Thompson what other zoning districts would allow this kind of use. Ms. Thompson answered that a business classified as a daycare would be allowed in any commercial district, including Planned Office; although it might not be accurate to refer to this particular use as daycare. Medical offices were also allowed in PO. Mr. Gustafson asked if it would be allowed in a residential district, and Ms. Thompson noted that State regulations would allow a group home, although this building's clients would not live there.

Mr. Funk wanted to know what use the existing building at 251 Executive Way would have once the new building was complete. Ms. Case related that they had purchased that property to fix a short-term problem involving a long-term need. They would address this once they had raised the money for a new building. The current building included offices that handled Medicaid billing, and planned to use the upstairs for staff training and development. They hoped to keep and use the existing building; although this depended on finances.

Concerning Mr. Gustafson's question, Mr. Soto clarified that at present, the UDO did not specify this kind of use. Staff tended to evaluate this in the context of what nearby uses were similar. In this case, that was a daycare center with more than 10 individuals, which was allowed in PO zoning. It could also be allowed in commercial zoning districts, as well as industrial and commercial services districts. A daycare facility would not be allowed in residential zoning if it served more than 10 people.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:25 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2018-137, Preliminary Development Plan: Developing Potential, 227 and 235 NW Executive Way; Developing Potential, Inc., applicant; subject to staff's letter of September 21, 2018, specifically Recommendation Item 1. Ms. Dial seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

A motion was made by Board Member Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session, due back on 10/16/2018. The motion carried unanimously.

Other Agenda Items

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There were no other agenda items at the meeting.

Roundtable

Mr. Soto stated that staff was targeting a date of Tuesday, November 13th for a possible joint meeting of the Planning Commission and City Council. At present, both November 6 and November 13 were listed as work sessions, so they might be considering changing November 20th to a work session rather than a regular one. The joint meeting would probably be the second or third Tuesday in November.

Chairperson Norbury announced that as Ms. Roberts had resigned from the Commission, which meant one less person; and that he would need to be absent from the October 11 meeting. He asked that anyone who thought they might not be able to attend on October 11th notify staff immediately in case this created a quorum issue. He also reminded the Commissioners that the Commission meeting day would change to Thursday effective October 11, 2018. The October 25th meeting would likely have a very full agenda.

Ms. Yendes stated that Mr. David Bushek had returned to the Law Department from the Gilmore and Bell law firm. He would start attending Planning Commission meetings.

Adjournment

There being no further business, Chairperson Norbury adjourned the meeting at 5:26 P.M.

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